

Application No. 10/023,255  
Docket No. 2001U012.US  
Reply to Office Action Dated 04/16/2004

### **REMARKS**

#### **Specification**

The Abstract was further objected to. The Applicant deletes the phrase "and the Lanthanide series of atoms the Periodic Table of the Elements", and removes the second two structures to conform the claims to the previous claim amendments.

The Applicant requests that this objection be withdrawn.

#### **Non-Elected Invention**

Claims 40 and 41 as amended in the last action are deemed by the Examiner to be a distinct invention from the previously elected invention. The Applicant herein cancels Claims 40 and 41.

#### **Section 112, ¶ 1 Rejection**

Claims 1-15 were rejected under 35 U.S.C. § 112, first paragraph as not enabled. The Applicant traverses this rejection, and amends Claim 1 to replace the definition of "M" from "Groups 3-13 and the Lanthanide series" to —Groups 3-7—.

Claim 18, from which this limitation derives, is cancelled.

Applicant requests that this rejection be withdrawn.

#### **Section 112, ¶ 2 Rejections**

Claims 1-18 and 37-39 were rejected under 35 U.S.C. § 112, second paragraph as indefinite. The Applicant traverses this rejection with the following remarks and amendments to the claims:

Claim 1: The phrase "m is an integer from 1 to 3;" is deleted.

Claim 6: The phrase —the group consisting of— is inserted as suggested.

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Claim 7: The claim is amended to conform to the Examiner's suggestion and is not believed to add new matter, but reflect the intent that the "L" groups can be selected from various "monovalent, bivalent or trivalent anionic ligands", of which "hydrogen" is but one as described at paragraph [0015] of the specification as filed.

Claim 8: The term ~~is~~ is inserted as suggested.

Claims 15, 16: The phrase ~~the group consisting of~~ is inserted as suggested.

Claim 18 is cancelled.

Claim 37: The redundant term "a" is deleted as suggested.

Withdrawal of these rejections is requested.

#### Section 102 Rejection

Claims 1-18 and 37-39 were rejected under 35 U.S.C. § 102(e) as anticipated by *Matsui* (US 6,399,724). The Applicant traverses this rejection with the following remarks and amendments to the claims:

Claim 1 is amended to refine the definition of the "R" group by replacing the phrase "a non-bulky substituent that has relatively low steric hindrance with respect to X" with ~~—~~ a straight chain alkyl group or a branched chain alkyl group;—. In this regard, Claim 11 is cancelled. Claim 37 as filed is defined such that the "R" group is a "C<sub>1</sub> to C<sub>10</sub> straight chain alkyl group".

*Matsui* does not teach the particular class of compounds useful in olefin polymerization as now claimed. *Matsui* particularly discloses phenyl and substituted phenyl groups in the

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position corresponding to Applicant's "R" position. This disclosure does not read on Applicant's current claims. Applicant has found that the class of compounds claimed in the current process produces highly isotactic polymers (C greater than 2) and polyethylenes with a high degree of comonomer insertion. The comparative example (pp. 31-32 of specification) in fact shows low comonomer incorporation where the "R" group is a phenyl or substituted phenyl, similar to *Matsui*.

Withdrawal of this rejection is requested.

It is submitted that the case is in condition for allowance. The Applicant invites the Examiner to telephone the undersigned attorney if there are any other issues outstanding which have not been presented to the Examiner's satisfaction.

Jun 3/04  
Date

Respectfully submitted,

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